

previous quarter under his supervision, and the fees paid to him for the same; and such return shall be signed by such Surveyor; and the correctness thereof shall be sworn to by him before any Two Justices of the Peace; and such return, so sworn to, shall be deemed and taken to be a certificate that all the works enumerated therein have been done in all respects agreeably to this Act, according to the best of his knowledge and belief; but such return shall not be any protection from or hindrance of any future proceeding for irregular works according to the provisions of this Act, though the same may have been done before the making of such return; and such return shall be at all reasonable times open for inspection on the payment of One Shilling.

And be it Enacted, That if any Surveyor shall receive any higher fee than he shall be entitled to under this Act, or if at any time he shall wilfully neglect his duty, or behave himself negligently or unfaithfully in the discharge thereof, or shall become incapable to discharge the same, and if the same shall upon complaint thereof be made to appear to the Mayor and Aldermen of the said City of London, or to the Court of Session having jurisdiction over the district in which he shall act for the time being, such Surveyor shall, by the said Mayor and Aldermen, or by the said Court of Session, as the case may be, be fined such sum of money, not exceeding Fifty Pounds, as they shall think fit, or shall be discharged forthwith from his said office, and shall for ever afterwards be incapable of being again appointed a Surveyor for the purposes of this Act.

And be it Enacted, That whenever any house or building shall have been built on old or new foundations, the fee payable by the owner thereof to the Surveyor in whose district the same shall be, according to this Act, shall become due and shall be paid within Fourteen Days after the roof thereof shall have been covered in, and all the walls thereof shall have been built to their full heights, and the principal timbers of the partitions and floors shall have been used in their places; and such Surveyor shall be paid—

For every Building of the First Rate	£	s.	d.
Second	7	7	0
Third	6	6	0
Fourth	5	5	0
Fifth	4	4	0
Sixth	3	2	0
Seventh	6	6	0
Eighth	0	10	6

And whenever any public building of the Eighth Rate shall have been certified, as hereinbefore directed, to have been built in a satisfactory manner, and according to the regulations of this Act, the Surveyor and the Official Referees who shall sign such certificate shall be paid by the owner thereof the several fees following: (that is to say)

To the Surveyor, in addition to a	£	s.	d.
First Rate fee	10	10	0
To each of the Referees who shall have assisted in the supervision, and signed the certificate	10	10	0

And whenever the offices of any house or building attached thereto shall be distinctly rated, and shall be built according to the regulations for a lower rate of building than such house or building, the fee for such offices shall be paid in addition to the fee for the house or building, and according to the rate they shall be of.

And whenever any addition or alteration shall be made to any house or building, the fee payable by the owner thereof to the Surveyor, according to this Act, shall become due and shall be paid within Fourteen Days after the completion of all the works connected with such alteration that shall be according to this Act under the supervision of such Surveyor, and such fee shall be payable on every alteration or addition made to any house or building which shall involve the execution of works subject to the regulations of this Act, and the fees payable thereon shall be as follows: (that is to say)

For every Building of the First Rate	£	s.	d.
Second	13	3	6
Third	13	3	0
Fourth	12	6	0
Fifth	2	2	0
Sixth	1	1	0
Seventh	1	3	0

And whenever any addition or alteration shall be made to any public building, there shall be paid to the Surveyor in whose district the same shall be, and to the Official Referees, such fees as the Secretary of State for the Home Department for the time being shall consider proper, and in proportion to the fees payable for a new public building.

And whenever any Surveyor shall have been required and shall have performed any special duties according to the enactments herein contained, he shall be paid for the same the several fees hereinafter mentioned, according to the service performed: (that is to say)

For surveying and certifying as to ruinous buildings	£	s.	d.
For assisting to survey and certify as to ruinous buildings	2	2	0
For attending to the cutting away of chimney-breasts for external wall	1	1	0
For supervision of the building or rebuilding of lofty chimneys or towers for steam-engines, in addition to the First Rate fee	2	2	0
For condemning party fence walls	5	5	0
For the inspection and removal of projections, &c., in imminent danger	1	1	0
	2	2	0

And whenever any service shall be performed by any Surveyor which is contemplated by this Act, but not included and comprehended under any of the foregoing heads, there shall be paid for such service by the person to whom it may be rendered such fee as any Two Justices of the Peace shall, by writing under their hands, order and appoint; and all such fees as aforesaid, and all the fees for special services hereinafter enumerated, shall become due and be payable within Fourteen Days after each several service shall have been performed.

And be it Enacted, That the Official Referees aforesaid shall, in addition to the fees before mentioned, have and be entitled to the following fees:

For every survey directed to be made by them, the sum of	pounds each.
For every certificate signed by them, in pursuance of the directions of this Act, the sum of	pounds each.
For every award to be made, in pursuance of the directions of this Act, the sum of	pounds each.

And be it Enacted, That every Clerk of the Peace shall be entitled to a fee of One Shilling for every matter directed to be filed with him, and the sum of five pence for One hundred words for every quarterly Surveyor's accounts directed to be filed, such payment to be made by the party filing the same.

Provided always, and be it Enacted, That all the powers and authorities by this Act vested in the Mayor and Aldermen of the City of London, may be lawfully exercised by the Court of Mayor and Aldermen of the said City, to be held in the Outer Chamber of the Guildhall of the said City, according to the custom of the said City.

And be it Enacted, That when any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect of form in any proceedings relating thereto; nor shall the party or parties be deemed a trespasser or trespassers in law, on account of any irregularity done by him or them; but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage only by action on the case, and not by any other action whatsoever.

Provided always, and be it Enacted, That no plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made, by or on the behalf of the party or parties who committed, or caused to be committed, any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by the leave of the court where such action shall depend, at any time before issue joined, to pay into the court such sums of money as he or they shall see fit, whereupon such proceedings or order and judgment shall be had, made or given in and by such court as in other actions wherein the defendant is allowed to pay money into court.

And be it Enacted, That no order which shall be made by virtue of or under this Act, or any other proceeding to be had, touching the conviction of any offender or offenders against this Act, shall be removed or removable by certiorari, or any other writ or process whatsoever, into any of Her Majesty's Courts of Record at Westminster.

And be it Enacted, That the parishioners and inhabitants of the parish, precinct or place where any offence against this Act shall be committed, shall be allowed to be competent witnesses on the trial, or otherwise, in any action, bill, or in any of the said Courts of Record, or at or upon the hearing and determination of any matter before the Mayor of London or other Justice of the Peace, for or concerning any offence or offences against this present Act, notwithstanding his, her or their being a parishioner or parishioners, inhabitant or inhabitants, in such parish, precinct or place: Provided always, That no action or prosecution shall be brought or commenced against any person or persons for any penalty or forfeiture inflicted or incurred by this Act, unless the same shall be commenced within Six calendar Months next after such forfeiture shall have been incurred; and all penalties hereby inflicted and not specifically appropriated, shall be recovered and received, suing for the same, on giving information under the provisions of this Act.

And be it Enacted, That no action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, until Twenty-one Days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of Three calendar months next after the fact committed, and every such action or suit, the cause whereof shall arise within the said City of London, or the liberties thereof, shall be laid and tried in the said City of London, and not elsewhere; and every such action or suit, the cause whereof shall arise in any part of the limits aforesaid out of the said City of London and liberties thereof, shall be laid and tried in the County of Middlesex, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial or trials to be had thereupon, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act; and if the said matter or thing appear to have been so done, or if it

appear that such action or suit was brought before the expiration of Twenty-one Days after such notice given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, or be laid in any other county or place than as aforesaid, then the Jury in every such action or suit shall find for the defendant or defendants therein; and if a verdict be found for the defendant or defendants, or if the plaintiff or plaintiffs in any such action or suit become nonsuited, or discontinue or suffer a discontinuance of any such action or suit, judgment be given for the defendant or defendants therein, on demurrer, or by default, or otherwise, then and in any of the cases aforesaid the defendant or defendants shall have judgment to recover Treble costs of suit, and shall have such remedy for recovering the same as any defendant or defendants may have for costs in other cases by law.

And be it Enacted, That nothing herein contained shall, avoid any agreement in writing made before the passing of this Act for building or altering any building, but that the same shall be performed with all the alterations which may be rendered necessary by this Act, and as if such alterations had formed part of the agreement; and that the difference between the costs and expenses of the work then performed according to the provisions of this Act, and the work as stipulated for in such agreement, if the parties thereto shall disagree about the same, shall and may be submitted by either party (notice being given in writing to the other) to the Surveyor, who shall determine the same, and whose determination shall be final and binding on all the parties, and in all respects as if his determination had formed part of the contract; and such Surveyor shall have power to direct either party to pay the costs of the Referees, and shall for his certificate be entitled to a fee of Pounds.

And be it Enacted, That any occupier of any building who shall pay any costs, charges or expenses for the taking down, repairing, rebuilding and effectually securing any chimney, or roof, or parapet or other wall, or any building or part of any building, or any other costs, charges and expenses which the owner of such building would primarily be liable to pay under the provisions of this Act, or upon whose goods and chattels such costs, charges and expenses may be levied in pursuance of this Act, may deduct the amount of such costs, charges and expenses, and the costs, charges and expenses of any distress and sale, out of the rent due to his landlord or lessor, unless there shall be some express agreement to the contrary between the parties; and the receipt for such payment shall be a sufficient discharge to any occupier for so much money as he shall have so paid, or which shall have been so levied on his goods and chattels in pursuance of this Act, and shall be allowed by such lessor or landlord in part of full payment, as the case may be, of the rent due to him by such occupier as aforesaid, or otherwise the same shall be repaid to such occupier by such lessor or landlord, and in default thereof may be recovered by such occupier from such lessor or landlord by execution or suit in any of Her Majesty's courts of law, unless in any case there shall be an express agreement between the parties to the contrary.

And be it Enacted, That no Stamp Duty shall be payable on any certificate or award to be signed by any Surveyor or Official Referees, in pursuance of this Act.

And be it Enacted, That if any house, building, matter or thing, subject to the provisions of this Act, shall be part in one district and part in another, then the Official Referees shall determine in which district for the purposes of this Act the same should be, and such determination shall be final; and the party requiring the decision of such Referees shall pay the sum of Pounds to each for his fee.

And be it Enacted, That in case any difference shall arise between any parties with respect to any matter or thing done or to be done in pursuance of this Act, or otherwise as to the provisions of this Act, or as to the mode in which the provisions and directions of this Act are or ought to be carried into effect, then if any parties interested in the matter shall require it, such point in difference shall be referred to the award of the said Official Referees, and the award of them, or of any Two of them, in writing, on all or any of the points in difference, shall be binding on all parties; and as regards such award and every other award to be made by such Referees in pursuance of the directions of this Act, the same shall have the same effect as if the same had been made under an order of reference made by Her Majesty's Court of Queen's Bench at Westminster; and such Referees shall have all such powers, as arbitrators, as they would have had in case they had been appointed under the order of the said Court; and their award shall be enforced by the said Court in all respects as if made under an order of such Court.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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